

[First Reprint]

SENATE, No. 445

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Morris and Passaic)

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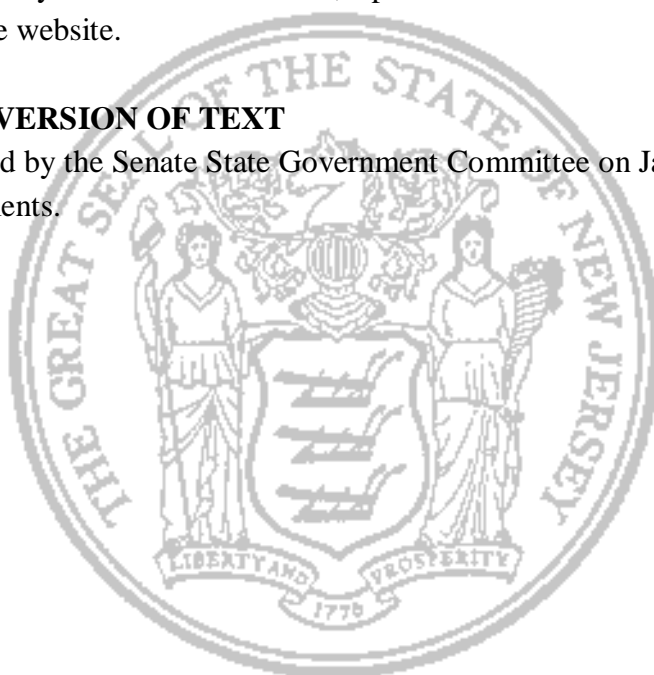
Senators Lance, Oroho, T.Kean, Bucco, Connors, Bateman, Ciesla and Karrow

SYNOPSIS

“Transparency in Government Act;” provides for establishment of State public finance website.

CURRENT VERSION OF TEXT

As reported by the Senate State Government Committee on January 4, 2010, with amendments.



(Sponsorship Updated As Of: 5/22/2009)

1 AN ACT providing for the establishment of a State public finance
 2 website and designated as the Transparency in Government Act,
 3 supplementing chapter 18A of Title 52 of the Revised Statutes.
 4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 6 *of New Jersey:*
 7

8 1. This act shall be known and may be cited as the
 9 “Transparency in Government Act.”
 10

11 2. As used in this act,

12 “Chief Technology Officer” means the person appointed by and
 13 serving at the pleasure of the Governor who is responsible for the
 14 day-to-day operations of the Office of Information Technology.

15 “Public Finance Transparency Committee” means the committee
 16 established pursuant to section 4 of P.L. , c. (C.) (pending
 17 before the Legislature as this bill).

18 “Searchable website” means an Internet website that allows the
 19 general public to search and aggregate data and information
 20 identified in section 3 of this act. The term shall include
 21 requirements that the website offer the general public the ability to
 22 search and display data, and ascertain the total amounts of: (1)
 23 revenues and expenditures of funds established within the State
 24 treasury; (2) compensation paid to public employees of State
 25 agencies; and (3) bond debt as specified in this act, in an aggregate
 26 or summary form in a manner determined by the State Treasurer, in
 27 consultation with the Chief Technology Officer and the Public
 28 Finance Transparency Committee.

29 “State agency” or “agency” means any of the principal
 30 departments in the Executive Branch of State Government, and any
 31 division, board, bureau, office, commission, or other instrumentality
 32 within or created by such principal department; the Legislature of
 33 the State and any office, board, bureau, or commission within or
 34 created by the Legislative Branch of State Government; the
 35 Judiciary of the State and any office, board, bureau, or commission
 36 within or created by the Judicial Branch of State Government; and
 37 any independent State authority, commission, instrumentality, or
 38 agency.
 39

40 3. a. On or before ¹**[July 1, 2008]** July 1, 2011¹, the State
 41 Treasurer, in consultation with the Chief Technology Officer, shall
 42 design, develop, and maintain a single, searchable Internet website
 43 that is accessible to the general public without charge and that
 44 includes data and information on:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SSG committee amendments adopted January 4, 2010.

- 1 (1) annual State agency expenditures, as determined by the State
2 Treasurer and as available within the central accounting system and
3 State payroll system, which shall include but not be limited to:
- 4 (a) disbursements by a State agency from funds established
5 within the State treasury;
- 6 (b) bond debt services including, but not limited to, amounts of
7 bond debt or interest paid and sources of funds for bond issues;
- 8 (c) salaries and wages including, but not limited to,
9 compensation paid to employees of State agencies;
- 10 (d) contractual service purchases including, but not limited to,
11 amounts paid to vendors;
- 12 (e) commodity purchases including, but not limited to, amounts
13 paid to vendors;
- 14 (f) capital outlay and improvements including, but not limited
15 to, amounts paid to vendors;
- 16 (g) aid to local units of government including, but not limited to,
17 amounts paid to individual units of local government for aid
18 programs; and
- 19 (h) additional forms of assistance and benefits deemed relevant
20 by the State Treasurer.
- 21 (2) annual State revenues, as determined by the State Treasurer
22 and as available within the central accounting system, which shall
23 include but not be limited to:
- 24 (a) receipts and deposits by any State agency into funds
25 established within the State treasury;
- 26 (b) taxes including, but not limited to, compulsory contributions
27 imposed by the State for the purpose of financing services;
- 28 (c) agency earnings including, but not limited to, amounts
29 collected by each agency for merchandise sold, services performed,
30 licenses, and permits issued, or regulation;
- 31 (d) revenue for the use of money and property including, but not
32 limited to, amounts received for compensation for the use of State-
33 owned money and property;
- 34 (e) gifts, donations, and federal grants including, but not limited
35 to, amounts received from public and private entities to aid in
36 support of a specific function or other governmental activity;
- 37 (f) other revenue including, but not limited to, receipts not
38 classified elsewhere; and
- 39 (g) non-revenue receipts including, but not limited to, all
40 receipts that do not constitute revenue.
- 41 (3) annual State bonded indebtedness, as determined by the
42 State Treasurer and as available within the central accounting
43 system, which shall include but not be limited to:
- 44 (a) amount of the total original obligation stated in terms of
45 principal and interest;
- 46 (b) term of the obligation;
- 47 (c) source of funding for repayment of the obligation;

- 1 (d) amounts of principal and interest previously paid to reduce
2 the obligation;
- 3 (e) remaining balance of the obligation;
- 4 (f) data and information related to refinancing of the obligation;
5 and
- 6 (g) cited statutory or constitutional authority to issue such
7 bonds.
- 8 (4) any other data or information specified by the State
9 Treasurer after consulting with and seeking the advice of the Chief
10 Technology Officer and the Public Finance Transparency
11 Committee.
- 12 b. (1) The public finance website shall include all data and
13 information enumerated in subsection a. of this section for fiscal
14 year 2000 and each fiscal year thereafter. Such data and
15 information posted on the website may be periodically updated, but
16 shall not be subject to removal.
- 17 (2) All data and information that is available in the central
18 accounting and State payroll systems shall be made available on the
19 public finance website as soon as practicable, but not later than 45
20 days after the last day of the preceding fiscal year.
- 21 (3) The State Treasurer shall develop policies and procedures, in
22 accordance with the provisions of the "Administrative Procedure
23 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to make data and
24 information available from any other source.
- 25 (4) Notwithstanding any other law to the contrary, the State
26 Treasurer shall not be required to provide data and information on
27 the public finance website that is not available in the central
28 accounting system and the State payroll system at the time of the
29 website's initial implementation.
- 30 (5) All State agencies are directed to cooperate with the State
31 Treasurer, the Chief Technology Officer, and the Public Finance
32 Transparency Committee in compiling the data and information
33 necessary to comply with the provisions of this act.
- 34 (6) Nothing in this act shall require the disclosure of
35 information deemed private, personal, or confidential by State or
36 federal law.
- 37
- 38 4. a. There is established in the Department of the Treasury the
39 Public Finance Transparency Committee to advise, consult, and
40 coordinate with the State Treasurer and the Chief Technology
41 Officer regarding the scope, content, and format of the public
42 finance website developed to comply with the provisions of section
43 3 of this act.
- 44 b. The committee shall be comprised of '[13] nine' members,
45 including:
- 46 (1) the State Treasurer or the Treasurer's designee;
- 47 (2) the Chief Technology Officer or the Officer's designee;

- 1 (3) the Director of the Division of Budget and Accounting in the
2 Department of the Treasury or the Director's designee;
- 3 (4) two members who are commissioners, directors, or officers
4 of a State agency, who shall be appointed by the Governor; 'and'
- 5 (5) four members of the general public, two who shall be
6 appointed by the Governor, one who shall be appointed by the
7 President of the Senate, and one who shall be appointed by the
8 Speaker of the General Assembly '[; and
- 9 (6) four members of the Legislature, one who shall be appointed
10 by the President of the Senate, one who shall be appointed by the
11 Minority Leader of the Senate, one who shall be appointed by the
12 Speaker of the General Assembly, and one who shall be appointed
13 by the Minority Leader of the General Assembly ']'.
- 14 c. The committee shall organize as soon as practicable, but no
15 later than the 30th day after the appointment of a majority of its
16 members. The State Treasurer or the Treasurer's designee shall
17 serve as the chairperson of the committee, but the committee shall
18 select a vice-chairperson from among its members and appoint a
19 secretary who need not be a member of the committee.
- 20 d. Vacancies in the membership of the committee shall be
21 filled in the same manner provided for the original appointments.
22 '[Eight] Five' members of the committee shall constitute a quorum
23 and the affirmative vote of '[eight] five' members shall be
24 necessary for any action taken by the committee. Any vacancy in
25 membership shall not prohibit the quorum of the committee from
26 exercising its respective rights and its duties.
- 27 e. The committee may meet at the call of the chair and hold
28 hearings at the times and in the places it deems necessary and
29 appropriate to fulfill its charge. The committee shall be entitled to
30 call to its assistance, and avail itself of the services of, the
31 employees of any State, county, or municipal department, board,
32 bureau, commission, or agency as it may require and as may be
33 available for its purposes.
- 34 f. The public members of the committee shall serve without
35 compensation, but may be reimbursed for traveling and other
36 miscellaneous expenses necessary to perform their duties, within
37 the funds made available to the committee for its purposes.
- 38 g. It shall be the duty of the committee to:
- 39 (1) serve in an advisory capacity to the State Treasurer, who
40 shall from time to time consult with and seek the advice of the
41 committee on matters related to the development and expansion of
42 the public finance website as well as opportunities to make the
43 website more accessible to the general public;
- 44 (2) advise the State Treasurer and the Chief Technology Officer,
45 after implementation of the initial website, on incorporating
46 additional data and information described by this act from any other
47 source of data or information available to the State Treasurer or

- 1 Chief Technology Officer, including information submitted by a
2 State agency pursuant to paragraph (5) of subsection b. of section 3
3 of this act;
- 4 (3) seek the advice of and receive feedback from the general
5 public, professional associations, State agencies, academic groups
6 and institutions, and individuals with knowledge of and interest in
7 areas of public information access, gateway services, add-on
8 services, and electronic information for the general improvement of
9 the public finance website; and
- 10 (4) issue an annual report to the Governor and, pursuant to
11 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature
12 regarding the progress in developing and implementing the public
13 finance website; public input and feedback concerning the utility of
14 the website and recommendations for its improvement; and
15 proposed enhancements to the website in terms of content, format,
16 policies, and procedures, reports, and other matters as deemed
17 appropriate by the State Treasurer and the Chief Technology
18 Officer.
- 19
- 20 5. This act shall take effect immediately.